THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

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THE HON'BLE SRI JUSTICE K. C. BHANU

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WRIT PETITION Nos. 5438 and 5712 of 2006

Dated: 24.3.2006

Between:

T. Fateema. W/o. Shaik Javeed, R/o. H. No. 10-5-391/84, 1st Lancer, Banjara Hills, Hyderabad & another.

..... PETITIONER

AND

1 The Station House Officer, S.R. Nagar Police Station, Hyderabad and others.

Respondents.

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WRIT PETITION NO.5438 and 5712 OF 2006

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

Writ Petition No. 5438 of 2002 is filed by one T. Fateema, W/o. Shaik Javeed seeking to call for the records and remarks from the respondents herein in connection with 1) threatening the petitioner herein to sell her shop bearing MCH No. 8-4-369/211/67/A, Swamy Ramanand Thirtha Nagar, Borabonda, Hyderabad by one Mohd. Salahuddin; (ii) occupying forcibly the shop of the petitioner herein bearing M.C.H No. 8-4-369/211/67/A, Swamy Ramanand Thirtha Nagar, Borabonda, Hyderabad by one Mohd. Salahuddin on 16.1.2006 by breaking open the petitioner's shop and committing theft (iii) inaction of the police of S.R. Nagar Police Station in spite of registering a case in Cr. No. 43/2006 on the complaint of the husband of the petitioner herein on 18.1.2006 and (iv) pressuring the petitioner and her husband to compromise the matter by the Police Personnel of S.R. Nagar Police Station, Hyderabad and to pass appropriate orders directing the authorities to take action against the culprit and save the lives of the petitioner and her family in the interest of justice. The other writ petition, namely, Writ Petition No. 5712 of 2006 has been filed by one Mohd. Khader seeking directions to the respondents to

produce the brothers of the petitioner, namely, Mohd. Salahuddin and Mohd. Raheemuddin who were illegally detained by Sanjeevareddynagar Police, Hyderabad on 13.3.2006.

A counter affidavit has been by the respondents in Writ Petition No. 5712 of 2006 stating that on 18.1.2006 one Shaik Jaweed, R/o. H. No. 10-5-391/84, Faslanagar, Syed. Nagar-II, Hyderabad, lodged a complaint against the alleged detenus 1 and 2 stating that he came to know through his neighbours that the alleged detenus have broken the lock of the shutters of his shop and broken the wall to make passage into the shop and had stolen the items available in the said shop. Basing on the said complaint, a case in Crime No. 43 of 2006 has been registered under Sections 448,417,379 I.P.C. against the alleged detenus. While so, the alleged detenu No.1 came to the police station and lodged a complaint against Nawab and Siraj alleging that he is a tenant of shop bearing No. 8-2-369/211/167/A, S.R.T. Nagar, Borabonda, Hyderabad and the purchaser of the said, namely, Nawab came along with some rowdy elements and threw away the material and forcibly vacated the shop. Basing on the above complaint, a case in Crime No.44/2006 under Sections 448 and 227 of I.P.C. was got registered. The accused in both the cases were called to police station on 18.1.2006 and on enquiry, it was revealed that the alleged detenus are the tenants of Shaik Javeed, who sold away the property to Nawab against the wishes of the alleged detenus, who are the tenants. Further, the alleged detenu No.1 also filed a suit in O.S. No. 330 of 2006 before the learned V Junior Civil Judge, Civil Court, Hyderabad for perpetual injunction in regard to the above said property and subsequently he withdrew the same. Since the matter is civil in nature, the police advised the parties to settle the matter amongst themselves and have taken steps to refer the matter as mistake of fact. Subsequently, the matter was settled amongst the parties and the parties have also given their requisition seeking to drop the action in the above two cases.

The respondents denied the allegation that the alleged detenus are in illegal detention and stated that they are moving freely and attending to their shop at Borabonda. Further, on receipt of notice from this Court, when the respondents enquired with the petitioners, they informed them that they have not sent the telegrams.

In view of the averments made in the counter affidavit, no further orders are required to be passed in the writ petitions. The writ petitions are accordingly

dismissed.

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T. Meena Kumari,J

Date: 24.3.2006

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K.C. Bhanu,J

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